

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO**

**In re:** Johnny D. Adkins  
Karen A. Adkins  
18135 Marcela Road  
Cleveland, OH 441196

Case No. 12-18377

Chapter 13

Judge Jessica E. Price Smith

SSN(H): xxx-xx-1993

SSN(W): xxx-xx-4069

Debtors

**MOTION TO MODIFY UNCONFIRMED PLAN**

Debtors move that attached Modified Plan be confirmed by the Court.

**Modified Plan**

/s/Richard C. Foote  
Richard C. Foote (#0000012)  
Attorney for Debtors  
Johnny D. Adkins  
Karen A. Adkins  
Ohio Savings Bank  
20133 Farnsleigh Road  
Shaker Heights, OH 44122  
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<b>In Re:</b>	)	<b>Chapter 13 Case No: 12-18377</b>
<b>Johnny D. Adkins</b>	)	
<b>Karen A. Adkins</b>	)	<b>Judge Jessica E. Price Smith</b>
	)	
	)	<input type="checkbox"/> <b>Original Chapter 13 Plan</b>
Debtors	)	<input checked="" type="checkbox"/> <b>Modified Chapter 13 Plan, dated <u>12/27/12</u></b>

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☐ This plan DOES NOT include any provision deviating from the uniform plan in effect at the time of the filing of this case.

☒ This plan DOES contain special provisions that must be and are set forth in paragraph 11 below.

**YOUR RIGHTS WILL BE AFFECTED.** You should read this plan carefully and discuss it with your attorney. Anyone who wishes to oppose any provision of this plan must file with the court a timely written objection. This plan may be confirmed and become binding without further notice or hearing unless a timely written objection is filed. **Creditors must file a proof of claim with the court in order to receive distributions under this plan.**

A. Within 30 days of the filing of this bankruptcy case, the Debtor or Debtors (“Debtor”) shall commence making payments to the Chapter 13 Trustee (the “Trustee”) in the amount of \$ 1,417.00 per month (the “Plan Payment”), to be paid \$ 654.00/bi-weekly.

**B.** The Plan Payment shall include sufficient funds to cover conduit payments and pre-confirmation adequate protection payments paid by the Trustee. Trustee may increase the Plan Payment during the term of the plan as necessary to reflect increases, if any, in any Conduit Payments paid by the Trustee.

A. After confirmation of this plan, funds available for distribution will be paid monthly by the Trustee in the following order: (i) Trustee's authorized percentage fee and/or administrative expenses; (ii) attorney fees as allowed under applicable rules and guidelines; (iii) conduit payments as provided for in paragraph 3(C); (iv) monthly payments as provided for in paragraphs 3(A), 3(B), 4(A), 4(B) and 9; (v) priority domestic support obligation claims pursuant to 11 U.S.C. §507(a)(1); (vi) other priority unsecured claims pursuant to 11 U.S.C. §507(a); and (vii) general unsecured claims.

**B.** If the Trustee has received insufficient funds from the Debtor to make the conduit payment, the Trustee may accumulate funds until sufficient funds are available for distribution of a full monthly payment. If the Trustee has received insufficient funds from the Debtor to make the fixed monthly payment to secured creditors in subsection A (iv) of this paragraph, the Trustee may pay these secured creditor claims on a pro-rata basis.

C. Unless a claim objection is sustained, a motion to value collateral or to avoid a lien is granted, or the court otherwise orders, distributions on account of claims in paragraphs 3(A), 3(C), 4(A), 5, 6, 7 and 9 will be based upon the classification and amount stated in each claim holder's proof of claim rather than any classification or amount stated in this plan.

### 3. CLAIMS SECURED BY REAL PROPERTY

#### A. Mortgage Arrearages and Real Estate Tax Arrearages

Trustee shall pay the monthly payment amount to allowed claims for mortgage arrearages and real estate tax arrearages. Note: If the Trustee will not be making the continuing mortgage payments, the Debtor is responsible for paying all post-petition mortgage payments that ordinarily come due beginning with the first payment due after the filing of the case.

<u>Creditor</u>	<u>Property Address</u>	<u>Estimated Arrearage Claim</u>	<u>Monthly Payment on Arrearage Claim (Paid by Trustee)</u>
Wells Fargo/OCWEN	18135 Marcela Road Cleveland, OH 44119	\$ 19,000	\$ 350
Cuyahoga Cty. Treasurer/ Fiscal Office	18135 Marcela Road Cleveland, OH 44119	\$ 1,704.24	\$ 125

#### B. Other Real Estate Claims

Trustee shall pay the monthly payment amount to creditors up to the amount specified below to be paid through the plan. The portion of any allowed claim that exceeds the amount to be paid through the plan shall be treated as an unsecured claim.

<u>Creditor</u>	<u>Property Address</u>	<u>Amount to be Paid Through the Plan</u>	<u>Interest Rate</u>	<u>Monthly Payment (Paid by Trustee)</u>
None				

#### C. Conduit Payments

Trustee shall pay the regular monthly mortgage payments beginning with the first payment due after the filing of the case, subject to changes due to escrow, interest and other adjustments. Note: If the Trustee is making the continuing monthly mortgage payments, the mortgage creditor must also be listed in paragraph 3(A) above. Unless real estate taxes and insurance are included in the mortgage payments to be paid by the Trustee pursuant to the Plan, the Debtor shall remain responsible for paying those obligations as they become due.

For each mortgage listed, indicate with a "yes" or "no" if the mortgage payment includes:

<u>Creditor</u>	<u>Property Address</u>	<u>Monthly Payment (Paid by Trustee)</u>	<u>Property Insurance</u>	<u>Real Estate Taxes</u>
Wells Fargo/OCWEN	18135 Marcela Road Cleveland, OH 44119	\$ 865	"yes"	"no"

### 4. CLAIMS SECURED BY PERSONAL PROPERTY

#### A. Secured Claims to be Paid in Full Through the Plan:

Trustee shall pay the following claims in full and in equal monthly payments.

<u>Creditor</u>	<u>Collateral Description</u>	<u>Estimated Claim Amount</u>	<u>Interest Rate</u>	<u>Monthly Payment (Paid by Trustee)</u>
None				

**B. Secured Claims NOT to be Paid in Full Through the Plan:**

Claims specified below are debts secured by personal property not provided for in paragraph 4(A) above. Trustee shall pay the allowed claims the secured amount with interest and in equal monthly payments as specified below. The portion of any allowed claim that exceeds the secured amount will be treated as an unsecured claim. Upon confirmation, the secured amount and interest rate specified below, or as modified, will be binding under 11 U.S.C. §1327 unless a timely written objection to confirmation is filed and sustained by the court.

<u>Creditor</u>	<u>Collateral Description</u>	<u>Secured Amount</u>	<u>Interest Rate</u>	<u>Monthly Payment (Paid by Trustee)</u>
None				

**C. Pre-confirmation Adequate Protection Payments:**

Trustee shall pay the monthly payment amount to creditors for pre-confirmation adequate protection as specified below.

<u>Creditor</u>	<u>Collateral Description</u>	<u>Monthly Payment (Paid by Trustee)</u>
None		

**5. DOMESTIC SUPPORT OBLIGATIONS**

Debtor ☐ does ☒ does not have domestic support obligations under 11 U.S.C. §101(14A).

**A.** Trustee shall pay under 11 U.S.C. §507(a)(1) on a pro-rata basis the allowed arrearage claims for domestic support obligations. Debtor shall pay all post-petition domestic support obligations as those payments ordinarily come due.

<u>Creditor Name</u>	<u>Creditor Address</u>	<u>Estimated Arrearage Claim</u>
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**B.** Specify the holder(s) of any claims for domestic support obligations under 11 U.S.C. §1302(d) if different than the creditor(s) shown in paragraph 5(A) above. If the holder of a claim is a minor, the name and address of the minor holder shall be disclosed to the Trustee contemporaneously with the filing of this plan in compliance with 11 U.S.C. §112.

<u>Holder Name</u>	<u>Address &amp; Telephone</u>
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**6. OTHER PRIORITY CLAIMS**

Trustee shall pay under 11 U.S.C. §507(a) on a pro-rata basis other allowed unsecured priority claims.

<u>Creditor</u>	<u>Estimated Claim Amount</u>
Central Collection Agency	\$500

## 7. GENERAL UNSECURED CLAIMS

Debtor estimates the total of the non-priority unsecured debt to be \$ 8,845.00. Trustee will pay to creditors with allowed non-priority unsecured claims a pro-rata share of \$ 2,211.25 or 25 %, whichever is greater.

## 8. PROPERTY TO BE SURRENDERED

Debtor surrenders the following property no later than 30 days from the filing of the case unless specified otherwise in the plan. The creditor may file a claim for the deficiency and will be treated as a non-priority unsecured creditor. Any unsecured deficiency claim must be filed by the bar date for claims or allowed by separate order of the court.

<u>Creditor</u>	<u>Property Description</u>
None	

## 9. EXECUTORY CONTRACTS AND UNEXPIRED LEASES

All executory contracts and unexpired leases are rejected except the following, which are assumed. Trustee shall pay the monthly payment amount to allowed claims for executory contract arrearages and unexpired lease arrearages. Debtor shall pay all post-petition payments that ordinarily come due beginning with the first payment due after the filing of the case.

<u>Creditor</u>	<u>Property Description</u>	<u>Estimated Arrearage Claim</u>	<u>Monthly Payment (Paid by Trustee)</u>
None			

## 10. OTHER PLAN PROVISIONS

(a) Property of the estate shall revert in the Debtor ☒ upon confirmation. ☐ upon discharge, dismissal or completion. If the Debtor has not marked one of the boxes, property of the estate shall revert in the Debtor upon confirmation. If the Debtor has elected to have property of the estate revert in the Debtor upon discharge or dismissal, the Debtor must maintain adequate insurance of all property in the estate. Unless otherwise ordered, the Debtor shall remain in possession of all property of the estate during the pendency of this case.

(b) The treatment of the claims of creditors as set forth in this plan shall become absolute upon confirmation, under 11 U.S.C. §1327. Therefore, if a creditor or contract party named herein objects to this plan, including the valuation of security, interest to be paid, and the treatment of executory contracts and unexpired leases, a formal objection to confirmation must be timely filed with the court.

(c) This plan incorporates 11 U.S.C. §1325(a)(5)(B)(i) with respect to each allowed secured claim provided for by this plan.

(d) Notwithstanding the automatic stay, creditors and lessors provided for in paragraphs 3(A), 3(C), and 9 of this plan may continue to mail customary notices or coupons to the Debtor.

## 11. SPECIAL PROVISIONS

This plan shall include the provisions set forth in the boxed area below. **Note: The provisions set forth below will not be effective unless there is a check in the second notice box preceding paragraph 1.** Further, these provisions should not contain a restatement of the Bankruptcy Code, Federal Rules of Bankruptcy Procedures, Local Bankruptcy Rules or case law.

**The minimum duration of this Plan will be equal to the applicable commitment period, which is 36 months.**

/s/Johnny D. Adkins  
DEBTOR Johnny D. Adkins

/s/Karen A. Adkins  
CO-DEBTOR Karen A. Adkins

Date: 12/27/12

/s/Richard C. Foote  
Richard C. Foote (#0000012)  
Attorney for Debtors  
Ohio Savings Building  
20133 Farnsleigh Road  
Shaker Heights, OH 44122  
(216) 991-6200  
(216) 991-6199 FAX  
Email: footelaw@prodigy.net

## **CERTIFICATE OF SERVICE**

I certify that on December 27, 2012 a true and correct copy of this Motion was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Daniel M McDermott United States Trustee Region 9 at (Registered address) @usdoj.gov

Craig H Shopneck Trustee at ch13shopneck@ch13cleve.com, cshopneck13@ecf.epiqsystems.com

Richard C Foote Attorney for Debtors at footemail@prodigy.net

And by regular US mail, on:

Johnny D. Adkins  
Karen A. Adkins  
18135 Marcela Road  
Cleveland, OH 44119

AFNI  
for AT&T Mobility  
P.O. Box 3097  
Bloomington IL 61702

AmeriPath, Inc.  
Attn: Patient Collections  
7730 First Place, STE A  
Oakwood Village OH 44146

Anesthesia Assoc. PLL MNTR  
Attn: Patient Collections  
P.O. Box 77033  
Cleveland OH 44194-7033

AT&T  
Attn: Bankruptcy Dept.  
P.O. Box 769  
Arlington TX 76004

AT&T Mobility  
Attn: Bankruptcy Dept.  
5020 Ash Grove Road  
Springfield IL 62711-6329

AT&T Mobility/Cingular  
Attn: Bankruptcy Dept.  
1801 Valley View Lane  
Dallas TX 75234-8906

Bay Area Credit Service  
for AT&T  
1901 West 10th Street  
Antioch CA 94509

Central Collection Agency  
Attn: Bankruptcy Department  
205 St. Clair Avenue, W, #200  
Cleveland OH 44113

City of Cleveland - Water/NEORS  
Attn: Bankruptcy Dept./Collections  
1201 Lakeside Avenue  
Cleveland OH 44114-1132

Cleveland Clinic - Euclid Hospital  
Attn: Patient Accounts/Collections  
9500 Euclid Avenue, RK2-4  
Cleveland OH 44195

Cleveland Clinic Foundation  
Attn: Patient Accounts/Collections  
9500 Euclid Avenue, DD5  
Cleveland OH 44195

Clinic Medical Services  
Attn: Patient Collections  
P.O. Box 92237  
Cleveland OH 44193

John D. Clunk Law Offices  
No. 12-00487  
4500 Courthouse Blvd., STE 400  
Stow OH 44224-6839

Cornwell Quality Tools  
Attn: Tech-Credit  
667 Seville Road  
Wadsworth OH 44281

Credit Acceptance Corp.  
for AmeriPath, Inc.  
P.O. Box 587  
Needham Heights MA 02494

Credit Collection Services  
for AT&T  
Two Wells Avenue, Dept. 9133  
Newton MA 02459

Credit One Bank  
Attn: Bankruptcy Dept.  
P.O. Box 98873  
Las Vegas NV 89193

Cuyahoga County Fiscal Office  
Attn: Bankruptcy Department  
Cuyahoga County Administration Bldg  
1219 Ontario Street  
Cleveland OH 44113

Dish Network/Echostar Comm.  
Attn: Bankruptcy Department  
5701 S. Santa Fe Drive  
Littleton CO 80120

Eastside Imaging Center  
Attn: Patient Collections  
25001 Emery Road, #100  
Cleveland OH 44128-5627

Emergency Professional Svcs., Inc,  
Attn: Patient Collections  
2620 Ridgewood Road, STE 300  
Akron OH 44313

First Credit Incorporated  
for Cleveland Clinic Hospital  
P.O. Box 13283  
Akron OH 44334-8683

First Credit, Incorporated  
for Lake Health System  
P.O. Box 630838  
Cincinnati OH 45263-0838

First Credit, Incorporated  
for Euclid Hosp./Cleveland Clinic  
P.O. Box 630838  
Cincinnati OH 45263-0838

First Federal Credit Control  
for Medical  
24700 Chagrin Blvd., STE 205  
Beachwood OH 44122

Hillcrest Hospital - CCHS  
Attn: Patient Collections  
6801 Brecksville Road  
STE 20/RK60  
Independence OH 44131-5055

Innovative Health Services  
Attn: Patient Collections  
8252 Darrow Road, STE A  
Twinsburg OH 44087

JP Recovery Services  
for Clinic Medical Services  
P.O. Box 16749  
Rocky River OH 44116-0749

Richard J. Kaplow  
for UH Medical Practices  
614 Superior Ave., NW, #808  
Cleveland OH 44113

Richard J. Kaplow  
for UH Medical Group  
614 Superior Ave. NW, #808  
Cleveland OH 44113

Richard J. Kaplow  
for Dr. Timothy Nice  
614 Superior Ave. NW, #808  
Cleveland OH 44113

Lake Health/Lake Hosp. System  
Attn: Patient Collections  
P.O. Box 8000  
Painesville OH 44077-8000

Lake Orthopaedic Assoc.  
Attn: Patient Collections  
36060 Euclid Ave., STE 104  
Willoughby OH 44094

LVNV Funding, LLC  
for Credit One Bank  
P.O. Box 10584  
Greenville SC 29603

Mentor Surgery Center  
Attn: Patient Collections  
9485 Mentor Avenue, STE 1  
Mentor OH 44060

Meridia Health System/Cleve. Clinic  
Attn: Patient Collections  
17325 Euclid Avenue, STE 4  
Cleveland OH 44112

NCO Financial  
for Target National Bank  
507 Prudential Road  
Horsham PA 19044

Dr. Timothy Nice, Inc.  
Attn: Patient Collections  
34600 Chardon Road, STE 9  
Willoughby Hills OH 44094

Ocwen Loan Servicing  
for Wells Fargo Bank  
12001 Science Drive, STE 110  
Orlando FL 32826-2913

OCWEN Loan Servicing  
Attn: Bankruptcy Department  
P.O. Box 785057  
Orlando FL 32878-5057

Prompt Recovery  
for Cornwell Tools  
9347 Ravenna Road, STE G  
P.O. Box 940  
Twinsburg OH 44087-2463

Severance Radiology  
Attn: Patient Collections  
5 Severance Circle, #207  
Cleveland Heights OH 44118

Target National Bank  
Attn: Bankruptcy Dept.  
3701 Wayzata Blvd., No. 2CF  
Minneapolis MN 55416

Transworld Systems, Inc.  
for Medical  
2235 Mercury Way  
Santa Rosa CA 95407

Transworld Systems, Inc.  
for Medical  
9525 Sweet Valley Drive, Bldg. A  
Valley View OH 44125

UH Case Medical Center  
Attn: Patient Collections  
P.O. Box 94564  
Cleveland OH 44101

UH Medical Practices  
Attn: Patient Accounts/Collections  
P.O. Box 901589  
Cleveland OH 44190

UH Richmond Medical Center  
Attn: Patient Collections  
P.O. Box 74132  
Cleveland OH 44191-4132

UHMP Euclid Internal Medicine  
Attn: Patient Collections  
24701 Euclid Avenue  
Euclid OH 44117-1714

United Collection Bureau, Inc.  
for Medical  
5620 Southwyck Blvd., STE 206  
Toledo OH 43614

University Hosp. Lab Serv. Fdn.  
Attn: Patient Collections  
P O Box 901967  
Cleveland OH 44190

University Hosp. Medical Practices  
Attn: Patient Collections  
P.O. Box 70887  
Cleveland OH 44190-0887

University Hospital - Ancillary Svc  
Attn: Patient Collections  
P.O. Box 94564  
Cleveland OH 44101

University Hospitals Medical Group  
Attn: Patient Collections  
P.O. Box 74116  
Cleveland OH 44194-4116

University Primary Care Practices  
Attn: Patient Collections  
24701 Euclid Avenue  
Euclid OH 44117-1714

/s/Richard C. Foote  
Richard C. Foote (#0000012)  
Attorney for Debtors